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SECTION L
INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L.1 FORMAT AND INSTRUCTIONS FOR PROPOSAL

General. The bid submitted in response to this solicitation shall be formatted as follows, in separately bound volumes and submitted in the quantities specified. The bid must be forwarded in a sealed envelope or container provided by the bidder, who must address the envelope to the contracting officer identified in the solicitation. The envelope shall be marked "SEALED BID" and indicate the date and hour of bid opening, solicitation number, and title of the solicitation.

L.1.1 Cover Letter. A cover letter may accompany the bid. This cover letter may be used to set forth any information the bidder wishes to bring to the attention of the Library. The cover letter is not a part of the bid.

L.1.2 The Bid. The bid shall consist of the following volumes with the number of copies specified and must include all required information, unless waived by the NLS/BPH, in order for the bid to be determined responsive.

Volume I - Standard Form of Contract and Price
Original and One (1) copy

Volume II - Statement of Production Capacity (SPC)
Original and One (1) copy

Volume III - Quality Assurance Procedures (QAP) and Samples
Original and One (1) copy

L.2 VOLUME I - CONTRACT DOCUMENT

An original and one (1) copy of contractual document (sections A-K as applicable), including any amendments (or acknowledgment of) as issued, must be submitted.

Standard Form 33 (Rev.9-97), Section A, shall be fully executed and dated (blocks 12 - 17); firm-fixed unit prices shall be submitted as specified in Section B; and all representations, certifications, and other statements of bidders, Section K, must be completed.

L.2.1 Financial Responsibility

The offeror shall describe the size of the company and must submit information to support a determination of financial responsibility. This may be in the form of an annual report, letters of credit from a bank or other financial institution, or profit and loss statements certified by a public accountant. Equivalent information shall be provided for all subcontractors proposed. All information submitted shall be marked confidential if applicable.

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L.3 VOLUME II - STATEMENT OF PRODUCTION CAPACITY (SPC)

All information must be clear and complete. The contractors shall implement effective controls during the production process for all items listed in their SPC.

L.3.1 Narrative Description of Production Capacity

The bidder shall describe its current production capacity, that is, the production capacity of machines and personnel currently in place on staff. The bidder shall note all facilities involved in production and shall provide a complete listing and production capacity of all major equipment (e.g.: name, type, manufacturer, number of machines, and other descriptive data deemed essential to make an evaluation of capacity), used in each stage. The bidder shall indicate for each production stage whether the work is done in-house, the number of persons working in that stage, and their qualifications. When personnel divide their time among several production stages, the model shall indicate this by showing the number of full-time people for each stage, e.g., stage 1: 4-1/2 people, stage 2: 7-1/4 people, etc. The bidder shall also include any other information that affects production capacity or reliability. For example, narrative may be added to describe factors that present a potential impact on capacity, such as award of other pending bids.

L.3.2 SPC Form Format

Using the formats shown on the SPC form (Section J), the bidder shall summarize current production capacity. Rows may be added to or deleted from the tables, as needed to fit the bidder's production process, but the columns must not be changed. Bidders are encouraged to use actual data from annual production records, whenever possible, in the column "Output/Hr./Person, Machine, etc." on the current capacity chart. If actual data are used, then "Operating %" may be put at 100%, and the contractor shall add a note explaining that this has been done.

As part of the determination of responsibility, the Library will determine estimated production capacity based on this Statement of Capacity, as well as prior experience with the bidder, taking into consideration a combination of quality and delivery performance under contracts in current production and/or in the preceding three fiscal years, and based on inspection of plant, equipment, staff and actual operating conditions.

L.3.3 Organizational Chart

An organizational chart shall be included with the procedures identifying key personnel responsible for each step in production operations together with their qualifications. (See H.8)

L.3.4 Current Contractors

Bidders who are presently producing the product specified in this solicitation may submit an abbreviated Volume II that highlights only changes in personnel, procedures, equipment, or other factors that could impact production capacity. This packet should include a copy of the latest SPC worksheet with only the changes, if any, noted. The abbreviated Volume II must

also include a summary sentence that estimates total capacity for this product in terms of how many titles, total minutes, and total cassettes.

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L.3.5 Section 5 - Use of Subcontractors

Bidders must identify all subcontractors and their responsibility with the project. Similar technical information, names of key personnel, etc. and financial information required to determine responsibility of the prime contractor must be submitted for all subcontractors.
(See also C.2.1, H.1, K.14 and K.15)

L.4 VOLUME III - QUALITY ASSURANCE PROCEDURES (QAP) AND SAMPLES

L.4.1 Quality Assurance Procedures

Quality assurance procedures shall be submitted describing procedures for guaranteeing that all requirements in NLS/BPH Specifications #202, #203, #300, #403, #700 and #703 shall be met. The procedures shall include, but not be limited to, the following elements:

- (1) incoming material inspection
- (2) in-process manufacturing inspection
- (3) outgoing inspection of the finished product
- (4) an organizational chart identifying personnel responsible for each step in the quality control and production process together with their qualifications
- (5) a clear statement describing recording and duplication of recorded cassette books of similar complexity and difficulty, including history of meeting production schedules, with references

L.4.2 Samples (See also L.9)

Bidders shall submit samples of the product requested in this bid which precisely meet all applicable Specifications in all respects.

NOTE: To complete the duplication tests required by L4.2.3 the bidder **MUST REQUEST** from the Contracting Officer two (2) master tapes in 88 minute format, which will be supplied by NLS/BPH via overnight delivery.

Samples to be submitted are:

L.4.2.1 Recording Tapes

Qualification of samples and documentation required by Specification 202, paragraph 4.3.1. or approval waiver from NLS/BPH. Items provided shall consist of the following: copies of the results of the examination, measurements, and tests listed in table IV and figure 1; the test samples themselves (eight [8] C-90 cassettes); and a statement by the bidder certifying that the product complies with all the requirements listed in paragraph 4.3.1 of Specification 202.

L.4.2.2 Written Documentation

Documentation shall indicate that the bidder will incorporate the quality control methods established by

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Specifications 202 and 203 into the bidder's manufacturing operations and organizational structure.

L.4.2.3 Four-Track Cassette Samples

Six (6) four-track samples duplicated from the master tapes supplied by NLS/BPH. Note: To enable a determination of responsibility, bidders otherwise eligible may be requested to perform the quantitative cross-talk test tape issued by NLS/BPH. This test shall be performed at no cost to NLS/BPH and must be completed, returned to, and received by NLS/BPH within seven (7) days after receipt of the test tape.

L.4.2.4 Open-Reel Inter-Master Sample

One (1) four-track open-reel inter-master sample duplicated from master tapes supplied by NLS/BPH (compliance with specification 203). The sample must be accompanied by written documentation indicating that the bidder will incorporate the quality control methods established by section 4 of specification 203 into the bidder's manufacturing operations and organizational structure.

L.4.2.5 Cassette Shells

Statement certifying the bidder will use one of three cassette shells approved by the Library as meeting requirements of specification 701. The three cassette shells approved are: Lenco model 1970LC; Magnetic Media model 1117J; and Michelex model 1009. If the bidder proposes to use a cassette shell other than these, then all tests and samples required by specification 701 (Table I, Qualification Inspection) must be provided, which includes:

- Eight (8) tested samples with test data from purchaser (see definitions of purchase and contractor in specification 701, section 6.1.)
- Eight (8) tested samples with test data from contractor
- Eight (8) untested samples

Please note that specification 701 supercedes all requirements relating to cassette shells contained in specification 202.

L.4.3 Waiver of Sample Submission

NLS/BPH reserves the right to waive the submission of samples from current producers of recorded cassette magazines within the program (current includes within the last two years) upon written request from the contractor. Requests for waiver must be submitted at least ten working days before the bid is due to allow time for approval prior to the close of the solicitation. The request for waiver will be deemed separable--each sample item will be considered for waiver on its own. If the request for waiver is denied, or if it is submitted too late for a response before the closing date, samples must be submitted with the bid.

L.5 MAIL-TO/DELIVER-TO ADDRESSES FOR BIDS

L.5.1 Bids Mailed Via United States Postal Service (USPS).

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Offers mailed through the USPS, shall be addressed as follows:

The Library of Congress
Contracts & Logistics Services
Attn: Charlotte A. Mathis
101 Independence Ave., S.E. Room LA-325
Washington, DC 20540-9411

The bidder's name and address, the solicitation number, and the scheduled date and time for receipt of bid shall be included prominently on the outside of all envelopes/wrappers.

L.5.2 Bids Not Mailed Via United States Postal Service

(a) Bids sent via commercial carrier such as Federal Express, United Parcel Service, etc., shall be addressed as follows and may be delivered either to the address in item (b) below or to:

The Library of Congress
James Madison Bldg.
101 Independence Ave., S.E.
Receiving Dock, Supply Unit
Attn: Charlotte A. Mathis
Washington, DC 20540-9411

(b) Any hand delivered bids shall be marked for the attention of Charlotte A. Mathis and shall be delivered to:

The Library of Congress
Contracts & Logistics Services
John Adams Bldg, Room 325
2nd St., S.E. (between Independence Ave. and East Capitol Streets)
Washington, DC 20540-9411

When delivering bids to the above address, use the 2nd Street entrance, tell the guard at the door that the package is a (proposal/sealed bid as applicable), and it will be x-rayed. Take the elevator to the third floor, Room 325 is through the double doors on the right side of the third floor lobby as you exit the elevators. Offerors may ask for the contracting officer or leave the package with the individual at the entry desk once it has been date/time-stamped. A duplicate of the date/time stamp will be provided to the individual delivering the offer.

Bidders are advised that no parking or standing of vehicles is permitted on 2nd Street in front of the Adams Building and sufficient time should be allowed to find parking. The bidder's name and address, the solicitation number, and the scheduled date and time for receipt of bids shall be included prominently on the outside of all envelopes/wrappers. Please refer to the FAR provision (52.214-7) included elsewhere in this section regarding late bids.

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L.6 52.204-6 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (Feb 1998)

The following FAR clauses are hereby incorporated by reference pursuant to the provisions of 48 CFR Chapter 1. Upon request, the contracting officer will make full text available. Also the full text may be accessed electronically at www.arnet.gov/far.

52.214-01	SOLICITATION DEFINITIONS - SEALED BIDDING	(JUL 1987)
52.214-03	AMENDMENTS TO INVITATIONS FOR BIDS	(DEC 1989)
52.214-04	FALSE STATEMENTS IN BIDS	(APR 1984)
52.214-05	SUBMISSIONS OF BIDS	(MAR 1997)
52.214-06	EXPLANATION TO PROSPECTIVE BIDDERS	(APR 1984)
52.214-07	LATE SUBMISSIONS, MODIFICATIONS, AND WITHDRAWALS OF BIDS (MAY 1997)	
52.214-09	FAILURE TO SUBMIT BID	(JUL 1995)
52.214-12	PREPARATION OF BIDS	(APR 1984)

L.7 52.204-6 CONTRACTOR IDENTIFICATION NUMBER--DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER. (JUN 1999)

(a) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" followed by the DUNS number that identifies the offerors name and address exactly as stated in the offer. The DUNS number is a nine-digit number assigned by Dun and Bradstreet Information Services.

(b) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one. A DUNS number will be provided immediately by telephone at no charge to the offeror. For information on obtaining a DUNS number, the offeror, if located within the United States, should call Dun and Bradstreet at 1-800-333-0505. The offeror should be prepared to provide the following information:

- (1) Company name.
- (2) Company address.
- (3) Company telephone number.
- (4) Line of business.
- (5) Chief executive officer/key manager.
- (6) Date the company was started.
- (7) Number of people employed by the company.
- (8) Company affiliation.

(c) Offerors located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet home page at <http://www.customerservice@dnb.com/>. If an offeror is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at globalinfo@mail.dnb.com.

L.8 52.214-10 CONTRACT AWARD - SEALED BIDDING (JUL1990)

(a) The government will evaluate bids in response to this solicitation without discussions and will award a contract to the responsible bidder whose bid, conforming to the solicitation, will be most advantageous to

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the government considering only price and the price-related factors specified elsewhere in the solicitation.

(b) The government may (1) reject any or all bids, (2) accept other than the lowest bid, and (3) waive informalities or minor irregularities in bids received.

(c) The government may accept any item or group of items of a bid, unless the bidder qualifies the bid by specific limitations. Unless otherwise provided in the Schedule, bids may be submitted for quantities less than those specified. The government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit prices offered, unless the bidder specifies otherwise in the bid.

(d) A written award or acceptance of a bid mailed or otherwise furnished to the successful bidder within the time for acceptance specified in the bid shall result in a binding contract without further action by either party.

(e) The government may reject a bid as nonresponsive if the prices bid are materially unbalanced between line items or sub-line items. A bid is materially unbalanced when it is based on prices significantly less than cost for some work and prices which are significantly overstated in relation to cost for other work, and if there is a reasonable doubt that the bid will result in the lowest overall cost to the government even though it may be the low evaluated bid, or if it is so unbalanced as to be tantamount to allowing an advance payment.

L.9 FAR 52.214-20 BID SAMPLES (APR 1984) - ALTERNATE II (APR 1984)

(a) "Bid samples" are item sample submissions required of bidders to show those characteristics of the offered products that cannot adequately be described by Specifications or purchase descriptions (e.g., balance, facility of use, or pattern).

(b) Bid samples, required elsewhere in this solicitation, must be furnished as part of the bid and must be received by the time specified for receipt of bids. Failure to furnish samples on

time will require rejection of the bid, except that a late sample sent by mail may be considered under the Late Submissions, Modifications, and Withdrawals of Bids provision of this solicitation.

(c) Bid samples will be tested or evaluated to determine compliance with all the characteristics listed for examination in this solicitation. Failure of these samples to conform to the required characteristics will require rejection of the bid. Products delivered under any resulting contract must conform to (1) the approved sample for the characteristics listed for test or evaluation and (2) the Specifications for all other characteristics.

(d) Unless otherwise specified in the solicitation, bid samples shall be (1) submitted at no expense to the Government, and (2) returned at the bidder's request and expense, unless they are destroyed during preaward testing.

(e) At the discretion of the Contracting Officer, the requirements for furnishing bid samples may be waived for a bidder if (1) the bid states that the offered product is the same as a product offered by the bidder to NLS/BPH under current production (see waiver requirements in section L.4.3) on a previous acquisition, (2) the Contracting Officer determines that the previously offered product was accepted or tested and found to comply with Specification and other requirements for technical acceptability conforming in every

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material respect with those of this solicitation, and (3) the product offered under this solicitation will be produced under a resulting contract at the same plant in which the previously acquired or tested product was produced.

L.10 52.216-01 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of an indefinite quantity, firm-fixed unit price contract.

L.11 52.233-2 SERVICE OF PROTEST. (AUG 1996)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Charlotte A. Mathis
Library of Congress
Contracts and Logistics
101 Independence Ave., S.E. Room LA-325
Washington, DC 20540-9411

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

L.12 SITE INSPECTION

NLS/BPH reserves the right to conduct a pre-award survey of bidders' production site(s), facilities and equipment. NLS/BPH reserves the right to observe production at bidders' premises at any time during the performance of any contract resulting from a bid in response to this solicitation.